

State of Colorado



Bill Owens
Governor

Richard Djokic
Director

DPA

Department of Personnel
& Administration

State Personnel Board
The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
Phone (303) 764-1472
Fax (303) 894-2147

AGENDA PUBLIC BOARD MEETING June 15, 2004

A public meeting of the State Personnel Board will be held on Tuesday, June 15, 2004, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-764-1472 by June 10, 2004.

* * * * *

I. REQUESTS FOR RESIDENCY WAIVERS

A. June 1, 2004 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS

A. Outstanding Motions

1. Harlen Ainscough v. Department of Public Health and Environment, State Personnel Board case number 2003G114.

On April 27, 2004, the Board issued an Order of the State Personnel Board Denying Petition For Hearing. On May 12, 2004, Complainant filed a Motion for Reconsideration. A Procedural Order was issued on May 14, 2004, directing Respondent to file a Response within ten days from the date of receipt of the Motion for Reconsideration. Respondent's Response to Complainant's Motion for Reconsideration was filed on May 24, 2004.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions or other final Orders of the Administrative Law Judges or the Director on appeal to the State Personnel Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. Carol Roberson v. Regents of the University of Colorado, University of Colorado Health Science Center, State Personnel Board case number 2002G145.

Complainant petitions the Board to grant a discretionary, evidentiary hearing to review Respondent's response to her grievance. On June 2, 2004, a Preliminary Recommendation of the Board's Director was issued, recommending that a hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR

- A. James Masse v. Department of Corrections, State Personnel Board case number 2003B077.

On May 10, 2004, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's termination of Complainant's employment was not arbitrary, capricious or contrary to law. The ALJ ordered that Respondent's action is affirmed.

VI. REVIEW OF THE MINUTES FROM THE MAY 18, 2004 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS May 18, 2004 PUBLIC MEETING:

- A. Denise Martinez v. Department of Personnel and Administration, Executive Office, State Personnel Board case number 2003B118.

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge.

- B. Greg Bailey v. Department of Public Safety, Colorado State Patrol, State Personnel Board case number 2004B043.

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge.

- C. LaVonne Taylor v. Department of Education, Colorado School For the Deaf and the Blind, State Personnel Board case number 2003G095(C).

The Board voted to affirm the Dismissal Order issued by the Administrative Law Judge.

- D. Robert Smoke v. Department of Labor and Employment, Unemployment Insurance, State Personnel Board case number 2004G025.

The Board voted to adopted the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- E. Melissa Rutter v. Regents of the University of Colorado, University of Colorado at Boulder, Department of Public Safety, State Personnel Board case number 2004G032.

The Board voted to adopt the Preliminary Recommendation of the Board's Director and deny the petition for hearing.

- F. David Teigen v. Department of Corrections, Colorado Territorial Correctional Facility, State Personnel Board case number 2003B127.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant a petition for hearing on the issue of whether the Department of Corrections' actions relating to retention rights and the subsequent changes in the position were arbitrary or capricious.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Mandate/Order Affirmed in Rigaud v. Department of Corrections, Correctional Industries, State Personnel Board case number 2002B050, Court of Appeals No. 02CA1961

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

A. Case Status Report

* * * * *

NEXT REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

July 20, 2004	Colorado Department of Natural Resources 1313 Sherman Street, Room 318 Denver, CO 80203
August 17, 2004	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
September 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
October 19, 2004	Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246
November 16, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
December 21, 2004	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
January 18, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
February 15, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
March 15, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
April 19, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
May 17, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 21, 2005	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222